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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,338	10/17/2003	Peter Rae Shintani	81100/7114	2276
37123	7590	10/04/2006	EXAMINER	
FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			MANNING, JOHN	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,338	SHINTANI, PETER RAE	
	Examiner	Art Unit	
	John Manning	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/30/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (WO 01/06771) in view of Shintani et al. (US Pat No 6,137,546).

In regard to claims 1-2, 9, 12 and 17-18, the Johnson reference discloses selecting a first input of a plurality of inputs (Page 2, Lines 25-28), tuning to a plurality of channels, recording the receivable channels in a channel map and not performing a full auto-program (Page 5, Lines 29-31; Page 6, Lines 1-21). The Johnson reference discloses that the system may only accept signals with particular characteristic (e.g. modulation scheme) (Page 6, Lines 13-19); however, the reference is silent with respect to scanning a first modulation scheme on a first input. The Shintani et al. reference

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provides evidence that it is known to scan a first modulation scheme on a first input so as to reduce the auto program time (Figure 5, Col 4, Lines 20-30). Accordingly, a modification to the Johnson reference so as to implement scanning a first modulation scheme on a first input such as that offered by Shintani et al. would have been obvious to one of ordinary skill in the art for the stated advantage.

In regard to claim 3 and 7-8, the Johnson reference discloses determining if the channel map includes an assignment for a first tune channel, identifying a channel name associated with the first tuned channel and replacing the assignment with the first tuned channel and recording the channel and the channel name in the channel map (Page 6, Lines 1-11).

In regard to claims 4-6, as aforementioned, the combined teaching discloses the scanning a signal modulated by the first modulation scheme and identifying channels carrying broadcast information. However, the reference is silent with respect to comparing the scanned channel with the mapped channels and initiating the tuning, the determining and recording when a difference is detected. The examiner takes official notice that it is notoriously well known in the art to utilize the particular usage of comparing current channel information to mapped information when updating in order efficiently maintain current information. Accordingly, the particular usage of comparing current channel information to mapped information when updating would have been obvious to one of ordinary skill in the art for the stated advantage.

In regard to claim 10, Johnson discloses that the channel map is limited to the selected input (Page 6, Lines 9-11).

In regard to claims 11-12, Johnson discloses determining if a signal quality meets a predefined threshold and recording the channels that have met the predefined threshold (Page 7, Lines 8-22).

In regard to claims 13-16, Shintani discloses determining if a channel map exists for the selected modulation scheme and tuning in a first or second channel not recorded in the map (Col 4, Lines 21-41). Johnson discloses determining if a signal quality meets a predefined threshold and initiating the generation of the map the channels that have met the predefined threshold (Page 7, Lines 8-22).

In regard to claim 19, the reference is silent with respect to the analog signal being NTSC and the digital signal being QAM. The examiner takes official notice that it is notoriously well known in the art to utilize the particular usage with respect to the analog signal being NTSC and the digital signal being QAM is well known in the art so as to conform to industry standers enabling interoperability. Accordingly, the particular usage of the analog signal being NTSC and the digital signal being QAM would have been obvious to one of ordinary skill in the art for the stated advantage.

In regard to claim 20, Johnson discloses a video processor coupled to the tuner and memory (Figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 30, 2006

A handwritten signature in black ink, appearing to read 'J. W. Miller', with a long horizontal line extending to the right.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600